

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

FEDEX FREIGHT, INC.

Employer

and

Case 09-RC-136994

INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS, LOCAL 89  
Alisa

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.<sup>1</sup>

Dated, Washington, D.C., November 21, 2014

MARK GASTON PEARCE, CHAIRMAN

HARRY I. JOHNSON, III, MEMBER

NANCY SCHIFFER, MEMBER

---

<sup>1</sup>Member Johnson finds the petitioned-for unit appropriate under the Board's traditional community of interest analysis in similar driver cases. See, e.g., *Home Depot USA, Inc.*, 331 NLRB 1289, 1291 (2000) (3-0 decision of Chairman Truesdale and Members Fox and Brame, finding appropriate separate unit of drivers). The Employer contends that, because the drivers perform a substantial amount of dockwork and hostling work, the appropriate unit must include dockworkers. This argument is not compelling. Although city drivers and road drivers spend approximately 6% and less than 2%, respectively, of their time in non-driving work, this figure is still significantly below the 30-40% figure in *Home Depot*. *Id.* at 1290. Accordingly, Member Johnson finds no need to express a view whether the Board correctly decided *Specialty Healthcare and Rehabilitation Center of Mobile*, 357 NLRB No. 83 (2011), *enfd. sub nom. Kindred Nursing Centers East, LLC v. NLRB*, 727 F.3d 552 (6th Cir. 2013), and whether the Regional Director correctly applied it here.